

114TH CONGRESS
1ST SESSION

H. R. 432

AN ACT

To amend the Investment Advisers Act of 1940 to prevent duplicative regulation of advisers of small business investment companies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “SBIC Advisers Relief
3 Act of 2015”.

4 **SEC. 2. ADVISERS OF SBICS AND VENTURE CAPITAL FUNDS.**

5 Section 203(l) of the Investment Advisers Act of
6 1940 (15 U.S.C. 80b–3(l)) is amended—

7 (1) by striking “No investment adviser” and in-
8 serting the following:

9 “(1) IN GENERAL.—No investment adviser”;
10 and

11 (2) by adding at the end the following:

12 “(2) ADVISERS OF SBICS.—For purposes of this
13 subsection, a venture capital fund includes an entity
14 described in subparagraph (A), (B), or (C) of sub-
15 section (b)(7) (other than an entity that has elected
16 to be regulated or is regulated as a business develop-
17 ment company pursuant to section 54 of the Invest-
18 ment Company Act of 1940).”.

19 **SEC. 3. ADVISERS OF SBICS AND PRIVATE FUNDS.**

20 Section 203(m) of the Investment Advisers Act of
21 1940 (15 U.S.C. 80b–3(m)) is amended by adding at the
22 end the following:

23 “(3) ADVISERS OF SBICS.—For purposes of this
24 subsection, the assets under management of a pri-
25 vate fund that is an entity described in subpara-
26 graph (A), (B), or (C) of subsection (b)(7) (other

1 than an entity that has elected to be regulated or is
 2 regulated as a business development company pursu-
 3 ant to section 54 of the Investment Company Act of
 4 1940) shall be excluded from the limit set forth in
 5 paragraph (1).”.

6 **SEC. 4. RELATIONSHIP TO STATE LAW.**

7 Section 203A(b)(1) of the Investment Advisers Act
 8 of 1940 (15 U.S.C. 80b–3a(b)(1)) is amended—

9 (1) in subparagraph (A), by striking “or” at
 10 the end;

11 (2) in subparagraph (B), by striking the period
 12 at the end and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(C) that is not registered under section
 15 203 because that person is exempt from reg-
 16 istration as provided in subsection (b)(7) of
 17 such section, or is a supervised person of such
 18 person.”.

Passed the House of Representatives July 14, 2015.

Attest:

Clerk.

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